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04 February 2008 Amendment  
Responsive to 04 October 2007 Office Action

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### REMARKS

This paper is responsive to any paper(s) indicated above, and is responsive in any other manner indicated below.

### PENDING CLAIMS

Claims 1-19 were pending, under consideration and subjected to examination in the Office Action. Appropriate claims have been amended, canceled and/or added (without prejudice or disclaimer) in order to adjust a clarity and/or focus of Applicant's claimed invention. That is, such changes are unrelated to any prior art or scope adjustment and are simply refocused claims in which Applicant is presently interested. At entry of this paper, Claims 1-19 will be pending for further consideration and examination in the application.

### 35 USC '112, 1<sup>ST</sup> PARAGRAPH REJECTION - TRAVERSED

Claim 8 has been rejected, under 35 USC '112, first paragraph, for the concerns listed within the section numbered "4" on page 2 of the Office Action. Traversal is appropriate, because the Office Action listed feature was sufficiently enabled by Applicant's original disclosure. More particularly, Office Action comments point to paragraph [0081] of the present applications 18-month publication (U.S. 2004-0225437) and asserts that a "position, destination and a departure point" are required within claim 8. Traversal is appropriate in a number of regards. More specifically, Applicant's paragraph [0081] relates to a wholly differing embodiment from that claimed in claim 8, i.e., claim 8 pertains to an embodiment regarding "...a navigation device which has a current position detecting function".

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With such embodiment, user entry of a current "position" and a "departure time" is unnecessary, because the arrangement automatically uses a real-time current "position" of a vehicle and the present real-time "time" as a "departure time".

The first paragraph of 35 USC '112 states, in relevant part, that "the specification shall contain a written description of the invention ... as to **enable** any **person skilled in the art** ... to make and use the same ..." It is respectfully submitted that **any person skilled in the art would have immediately know numerous ways to automatically obtain a real-time current "position" (e.g., as detected by sensors, or as known by travel monitoring conducted thus far), or a present real-time "time" of a vehicle (e.g., as known from a vehicle's on-board clock).**

It is respectfully noted that text related to Applicant's claim 8 embodiment is detailed in at least paragraphs [0008] and [0012] of Applicant's disclosure.

Based upon the foregoing, reconsideration and withdrawal of the above-referenced rejection, are respectfully requested.

#### **REJECTION UNDER '112, 2nd PAR. OBVIATED VIA CLAIM AMENDMENT**

Claims 1, 8 and 11-12 has been rejected under 35 USC '112, second paragraph, as being indefinite for the concerns listed on pages 3 and 4 of the Office Action. Appropriate ones of such claims have been carefully reviewed and carefully amended where appropriate in order to address the Office Action listed concerns. Applicant further respectfully submits the following comments.

Regarding the objected-to "conditions of collection" phrase used within claim 1, such phrase was changed to "differing predetermined environmental conditions,

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i.e., claim 1 was clarified to recite, for example, that "said statistical data being classified according to differing predetermined environmental conditions existing during collection of the traffic information". It is respectfully submitted that numerous "environmental conditions" encountered during traffic information collection, have been disclosed throughout Applicant's original disclosure, e.g., a weather type; a day of the week; time of day; a degree of jam.

Regarding the allegation that claims 11 and 12 are conflicting, traversal is appropriate. More particularly, claim 11 recites "wherein the present status data obtaining step does not newly obtain present status data ... UNTIL a predetermined period of time has elapsed since the present status data is obtained." Stated differently, once the predetermined period of time HAS ELAPSED, then it DOES obtain present status data. It is respectfully submitted that such does not conflict with claim 12 which recites "wherein the present status data obtaining step newly obtains present status data ... in the case where a predetermined period of time has elapsed since the present status data is obtained." Reconsideration of the claims 11/12 concern is respectfully requested.

As the foregoing is believed to have addressed all '112 second paragraph concerns, reconsideration and withdrawal of the '112 second paragraph rejection are respectfully requested.

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### **ALL CLAIMS IN CONDITION FOR ALLOWANCE**

In view of the fact that none of the claims have been rejected on a basis of prior art, and in view of the fact that all non-art objections/rejections have been obviated as indicated above, it is respectfully submitted that all presently pending claims are now in condition for allowance. A Notice of Allowance with respect to the present application is respectfully requested.

### **EXAMINER INVITED TO TELEPHONE**

The Examiner is herein invited to telephone the undersigned attorneys at the local Washington, D.C. area telephone number of 703/312-6600 for discussing any Examiner's Amendments or other suggested actions for accelerating prosecution and moving the present application to allowance.

### **RESERVATION OF RIGHTS**

It is respectfully submitted that any and all claim amendments and/or cancellations submitted within this paper and throughout prosecution of the present application are without prejudice or disclaimer. That is, any above statements, or any present amendment or cancellation of claims (all made without prejudice or disclaimer), should not be taken as an indication or admission that any objection/rejection was valid, or as a disclaimer of any scope or subject matter. Applicant respectfully reserves all rights to file subsequent related application(s) (including reissue applications) directed to any/all previously claimed limitations/features which have been subsequently amended or cancelled, or to any/all limitations/features not yet claimed, i.e., Applicant continues (indefinitely) to

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maintain no intention or desire to dedicate or surrender any limitations/features of  
subject matter of the present application to the public.


### CONCLUSION

In view of the foregoing amendments and remarks, Applicant respectfully  
submits that the claims listed above as presently being under consideration in the  
application are now in condition for allowance.

To the extent necessary, Applicant petitions for an extension of time under 37  
CFR '1.136. Authorization is herein given to charge any shortage in the fees,  
including extension of time fees and excess claim fees, to Deposit Account No. 01-  
2135 (Case No. 566.43491X00) and please credit any excess fees to such deposit  
account.

Based upon all of the foregoing, allowance of all presently-pending claims is  
respectfully requested.

Respectfully submitted,

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